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GLEN R. HAGEN

UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF CALIFORNIA

GLEN R. HAGEN, Plaintiff, v. NCR CORPORATION, Defendant.	Case No.: 07 CV 2205 DMS (CAB) **AFFIDAVIT OF LISA A. DAVIDSON, Ph.D., IN SUPPORT OF MOTION FOR APPOINTMENT OF GUARDIAN AD LITEM FOR PROSECUTION OF ACTION PURSUANT TO FRCP 17(c)** Date: May 9, 2008 Time: 10:00 a.m. Judge: Hon. Cathy Ann Bencivengo

I, LISA A. DAVIDSON, Ph.D., have personal knowledge of the following facts, and if called upon could competently testify to the following:

BACKGROUND

1. I have been treating Plaintiff for the past two years.

2. I am a licensed neuropyschologist.

3. Plaintiff was evaluated by another neuropsychologist for purposes of neuropsychological testing; his name is Mark McDonough, Ph.D.

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4. I have been asked to provide an opinion regarding Plaintiff's ability to assist his lawyer in the above referenced matter. My opinion appears below.

OPINION

5. Based upon my evaluations and Dr. McDonough's testing, I believe Plaintiff is competent insofar as many everyday concerns. He is not a danger to himself and can manage affairs within defined parameters.

6. However, Plaintiff sometimes requires overseeing due to memory lapses.

7. Plaintiff's short-term memory loss has been verified through testing by Dr. McDonough.

8. For instance, Plaintiff's driver's license has been removed at the recommendation of his neurologist, Mark N. Sadoff, M.D.

9. With respect to the complexities of a lawsuit, it is my opinion Plaintiff does not have the capacity to keep in mind all aspects of his case, simultaneously, on all occasions, when assisting his counsel.

10. Therefore, I conclude Plaintiff cannot effectively assist counsel to the degree necessary to ensure that the best interests of his case are protected.

RECOMMENDATION

11. As Plaintiff's treating neuropsychologist it is my recommendation that, although Plaintiff has ongoing competencies, he cannot be relied upon in every instance as an effective assistant to Mr. Gill so as to protect his case.

12. Therefore, I recommend a guardian *ad litem* be appointed to act for Plaintiff.

13. However, I also recommend Plaintiff stay involved with his case to the extent he is capable of participating.

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14. If I can be of any further assistance in connection with my recommendation or if further guidance is needed from a neuropsychological perspective, please do not hesitate to contact me.

I declare under penalty of perjury under the laws of the United States the foregoing is true and correct and that this affidavit was executed on this 03 day of April, 2008, at San Diego, California.

Lisa A. Davidson, Ph.D.
LISA A. DAVIDSON, Ph.D.